

FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

07 SEP 20 PM 12:14

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus MENDOZA-Perez,

Defendant

CLERK'S OFFICE
 SOUTHERN DISTRICT OF CALIFORNIA

07 MJ2273

BY: *[Signature]* DEPUTY
 COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
 Deported Alien Found in the
 United States

The undersigned complainant, being duly sworn, states:

On or about **September 18, 2007** within the Southern District of California, defendant, **Jesus MENDOZA-Perez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]

SIGNATURE OF COMPLAINANT

James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF **SEPTEMBER, 2007**.

[Signature]

Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jesus MENDOZA-Perez****PROBABLE CAUSE STATEMENT**

On September 18, 2007 at approximately 1:00 p.m., agents assigned to the San Diego Sector Smuggling Interdiction Group (SIG) were conducting anti-smuggling operations in the Pine Valley, California area. SIG agents were conducting plainclothes operations in unmarked Bureau vehicles. Pine Valley is located approximately twelve miles north of the U.S./Mexico international border and approximately eight miles east of the Tecate, California Port of Entry. Pine Valley is also located approximately two miles west of the U.S. Border Patrol Checkpoint on Interstate 8 (I-8).

At approximately 1:05 p.m., SIG Border Patrol Agent G. Medina observed a white Pontiac Grand AM sedan exit I-8 westbound at Pine Valley Road. The white Pontiac sedan was heading north on Pine Valley Road and immediately re-entered the Interstate traveling westbound. Border Patrol Agent B. Wakefield observed that the driver of the sedan had a shaved head and a black t-shirt and a front seat passenger. The driver of the white Pontiac sedan slowed and pulled over to the right shoulder. Agent Wakefield passed the white Pontiac sedan and observed in his rear view mirror that the sedan had come to a stop along the shoulder of I-8, one-quarter mile east of Highway 79.

Agent Medina observed the white Pontiac pull away from the right shoulder and travel west on I-8. Supervisory Border Patrol Agent S. M. Wilson joined in the surveillance and observed the white Pontiac sedan as it passed his location near Highway 79 and the I-8 westbound on-ramp.

SIG Border Patrol Agents S. Lowe, Wakefield, Medina and Supervisory Border Patrol Agent Wilson followed the Pontiac Grand Am, reasonably certain that it contained illegal aliens, towards Chula Vista, California. The driver of the Pontiac Grand Am eventually exited I-5 at H Street and stopped at a stoplight. Agent Wilson and Agent Wakefield had their Bureau issued Border Patrol badges prominently displayed as they approached the Pontiac and identified themselves to the two visible occupants. Agent Wakefield questioned the driver as to his citizenship and immigration status. The driver who was identified as the defendant **Jesus MENDOZA-Perez** claimed he was a citizen of Mexico and was not in possession of immigration documents. Agent Wilson identified himself as a Border Patrol agent to the front seat passenger of the Pontiac Grand Am and questioned him as to his citizenship and immigration status. The passenger, identified as Pedro RIVERA-Mendoza, said he was from Mexico and he did not possess immigration documents allowing him to be, or remain in the United States lawfully. The defendant and passenger were arrested and transported to the El Cajon Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on June 18, 2004 through Laredo, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico and that he was present in the United States without being in possession of any immigration documents that would allow him to enter or remain this country.